

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

NOV 30 AM 10:00

U.S. DISTRICT COURT
N.D. OF ALABAMA

LUIS BERNARDO-DIAZ,

Petitioner,

v.

IMMIGRATION AND
NATURALIZATION SERVICE,

Respondent.

NO. CV 99-J-2695-M

FILED
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NOV 30 1999

MEMORANDUM OF OPINION

The petitioner, Luis Bernardo-Diaz, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on October 6, 1999. He asserts that he is entitled to release from the respondent's custody premised upon his allegedly unlawful and illegal detention.

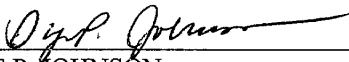
Bernardo-Diaz is a native and citizen of Peru who lost his right to remain in the United States following the entry of a final order of deportation premised on his illegal entry into the United States without inspection and his failure to voluntarily depart the United States as agreed. Prior to this court ordering the respondent to show cause why the requested relief should not be granted, the petitioner was deported pursuant to a warrant of deportation lawfully issued on September 2, 1999. The petitioner had not requested a stay of deportation pending resolution of this matter.

On November 9, 1999, the court was informed that the petitioner had been deported to Peru. The respondent requests that this matter be dismissed as moot because the petitioner is no longer in the custody of the respondent. (Doc. 6).

8

It is clear that the petitioner is no longer in the custody of the respondent. *See* 28 U.S.C. § 2241(c)(3). Accordingly, the petition for a writ of habeas corpus filed by Bernardo-Diaz is due to be dismissed as moot.

DONE, this 29 day of November, 1999.



INGE P. JOHNSON
UNITED STATES DISTRICT JUDGE